

ESTTA Tracking number: **ESTTA663754**Filing date: **03/30/2015**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Maximum Human Performance, LLC
Granted to Date of previous extension	03/28/2015
Address	165 Clinton Road West Caldwell, NJ 07006 UNITED STATES
Attorney information	Thomas J. Mango Cantor Colburn LLP 20 Church Street, 22nd Floor Hartford, CT 06103 UNITED STATES TMango@CantorColburn.com, ekotyk@CantorColburn.com Phone:860-286-2929

Applicant Information

Application No	86387936	Publication date	01/27/2015
Opposition Filing Date	03/30/2015	Opposition Period Ends	03/28/2015
Applicant	Singerman & Braun, LLC 1120 Holland Drive #19 Boca Raton, FL 33487 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Dietary and nutritional supplements

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2236722	Application Date	02/17/1998
Registration Date	04/06/1999	Foreign Priority Date	NONE
Word Mark	MAXIMUM HUMAN PERFORMANCE		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 005. First use: First Use: 1997/09/01 First Use In Commerce: 1997/09/01 NUTRITIONAL SUPPLEMENTS

U.S. Registration No.	2230661	Application Date	02/17/1998
Registration Date	03/09/1999	Foreign Priority Date	NONE

Word Mark	MHP
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 005. First use: First Use: 1997/09/01 First Use In Commerce: 1997/09/01 NUTRITIONAL SUPPLEMENTS
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U.S. Registration No.	3463667	Application Date	06/04/2007
Registration Date	07/08/2008	Foreign Priority Date	NONE

Word Mark	MHP
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 005. First use: First Use: 1997/09/01 First Use In Commerce: 1997/09/01 Dietary supplements
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U.S. Registration No.	4361867	Application Date	08/10/2011
Registration Date	07/02/2013	Foreign Priority Date	NONE

Word Mark	MAX 30
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Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2012/03/01 First Use In Commerce: 2012/06/15 Pre-recorded CDs, video tapes, laser disks and DVDs featuring exercise, fitness, dietary information and instruction, and exercise instruction

Attachments	75435069#TMSN.png(bytes) 77196984#TMSN.png(bytes) 85394506#TMSN.png(bytes) Notice of Opposition.PDF(567076 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Thomas J. Mango/
Name	Thomas J. Mango
Date	03/30/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application Serial No.	86387936
Filed:	September 8, 2014
Mark:	MAX-HP
Published in the Official Gazette:	January 27, 2015

Maximum Human Performance, LLC,

Opposer,

v.

Singerman & Braun, LLC d/b/a Prime Nutrition

Applicant.

Opposition No: _____

NOTICE OF OPPOSITION

In the matter of the United States Trademark Application No. 86387936 (the “Application”), filed on September 8, 2014, by Singerman & Braun, LLC d/b/a Prime Nutrition (“Applicant”), for registration of the mark MAX-HP (“MAX-HP Mark”) for “Dietary and nutritional supplements” in International Class 5, and published in the United States Patent and Trademark Office’s (“USPTO”) Official Gazette on January 27, 2015, Opposer Maximum Human Performance, LLC believes it will be damaged by such registration, and hereby opposes the registration of the Application.

The grounds for the opposition are as follows:

A. Opposer Maximum Human Performance, LLC

1. Opposer Maximum Human Performance, LLC (“Opposer” or “MHP”) is a Limited Liability Company organized under the laws of State of Delaware, with a principal place of business located at 165 Clinton Road, West Caldwell, New Jersey 07006.

2. Since 1997, MHP has developed premier science-based, research driven sports supplements to help world-class athletes, professional bodybuilders, power lifters, fitness enthusiasts, and other athletes achieve their greatest physical potential.

3. MHP sells approximately seventy-five different products or over two hundred if one were to count the multiple varieties and flavors for MHP's products.

4. MHP offers several varieties of protein supplements, pre-workout supplements such as creatine and nitric oxide, post-workout supplements to speed recovery, hormonal enhancement products, weight gain and weight loss supplements, multi-vitamins, performance foods, and amino acids. Each of these product lines is calculated to increase the efficiency and impact of an athlete's workouts in different ways.

5. Because of its dedicated research and development, innovative formulations, clinically researched ingredients, and cutting edge products, MHP has become an industry leader and one of the most trusted brands in this industry.

6. Opposer owns both common law and federally-registered rights to its well-known trademarks MAXIMUM HUMAN PERFORMANCE, MHP (Stylized) and Design, MHP, and MAX 30 ("collectively, "MHP Marks") used on and in connection with dietary and nutritional supplements and related goods and services ("Opposer's Goods and Services"). MHP has used one or more of the MHP Marks in United States commerce since at least as early as 1997.

7. Opposer owns United States Trademark Registration No. 2236722 for MAXIMUM HUMAN PERFORMANCE filed on February 17, 1998, and registered on April 6, 1999, covering "Nutritional Supplements" in Class 5, and with a first use date in commerce of September 1, 1997. *See* attached Exhibit A, showing a true and correct copy of a printout from the USPTO's Trademark Status and Document Retrieval ("TSDR") database.

8. Opposer owns United States Trademark Registration No. 2230661 for MHP (Stylized) and Design filed on February 17, 1998, and registered on March 9, 1999, covering “Nutritional supplements” in Class 5, and with a first use date in commerce of September 1, 1997. *See* attached Exhibit B, showing a true and correct copy of a printout from the USPTO’s TSDR database.

9. Opposer owns United States Trademark Registration No. 3463667 for MHP filed on June 4, 2007, and registered on July 8, 2008, covering “Dietary supplements” in Class 5, and with a first use date in commerce of September 1, 1997. *See* attached Exhibit C, showing a true and correct copy of a printout from the USPTO’s TSDR database.

10. Opposer owns United States Trademark Registration No. 4361867 for MAX 30 filed on August 10, 2011, and registered on July 2, 2013, covering “Pre-recorded CDs, video tapes, laser disks and DVDs featuring exercise, fitness, dietary information and instruction, and exercise instruction” in Class 9, and with a first use date in commerce of June 15, 2012. *See* attached Exhibit D, showing a true and correct copy of a printout from the USPTO’s TSDR database.

11. The MHP Marks are prominently featured in Opposer’s advertising, marketing, and promotional materials for Opposer’s Goods and Services, and in connection with Opposer’s Goods and Services that are offered in retailers throughout the United States and on Opposer’s website located at www.mhpstrong.com (“Opposer’s Website”).

12. According to Internet website ranking service Alexa.com, the Opposer's Website is ranked the 445,624th most-visited website in the world, which is in the top 2%. Further, Alexa.com indicates that more than 207 websites link into the Opposer's Website. *See* attached Exhibits E, showing true and correct copies of current printouts from Alexa.com for the Opposer's Website.

13. As a result of Opposer's substantially exclusive and continuous use of the MHP Marks in connection with Opposer's Goods and Services, and having expended considerable effort and expense in promoting Opposer's Goods and Services associated with the MHP Marks, the MHP Marks and the goods and services bearing the MHP Marks have come to be recognized as associated with Opposer and the MHP Marks has developed substantial goodwill and a positive reputation among the industry, the trade, the media, and consumers. The MHP Marks have become one of Opposer's most valuable assets.

14. The MHP Marks distinguish Opposer's Goods and Services from those of its competitors. As a result, relevant consumers readily recognize, associate, identify, and distinguish the MHP Marks and Opposer's Goods and Services from those of others.

15. Opposer, the MHP Marks, and Opposer's Goods and Services are recognized throughout the United States by consumers. For example, Opposer's official Facebook page for the MHP Marks, accessible at www.facebook.com/TeamMHP?_rdr, has attracted over 99,600 "likes," and the top-ranked results of a Google keyword search for "MHP" are related to the Opposer, the Opposer's Website, the MHP Marks, and Opposer's Goods and Services. *See* attached Exhibit F, showing a true and correct copy of Opposer's current official Facebook page for the MHP Marks, and attached Exhibit G, showing a true and correct copy of the first page of results from a current Google keyword search for "MHP."

16. Opposer, the MHP Marks, and Opposer's Goods and Services have been the subject of widespread attention from media and the public, and have been frequently featured in third-party news articles and in other media.

B. Applicant Singerman & Braun, LLC d/b/a Prime Nutrition

17. On information and belief, Applicant is Limited Liability Company organized and existing under the laws of State of Florida, with a principal place of business located at 1120 Holland Drive, Suite 19, Boca Raton, Florida 33487.

18. Applicant has no relationship with Opposer.

19. On or about September 8, 2014, Applicant filed the Application (Serial No. 86387936).

20. As published, the Application covers "Dietary and nutritional supplements" in Class 5.

21. The Application was filed on Intent-to-Use basis under Section 1(b) of the Lanham Act, 15 U.S.C. §1051(b), and remains based on Intent-To-Use as of the date of the filing of this opposition.

22. The Application was filed without Opposer's authorization, consent, or prior knowledge.

23. The MHP Marks, including Opposer's common law rights, predate the Application and any claimed rights by Applicant in the Application. Opposer therefore has rights that are senior to any rights that may be claimed by Applicant.

C. Opposer's Claims Against the Application

COUNT I
LIKELIHOOD OF CONFUSION

24. Opposer incorporates paragraphs 1-23 by reference and realleges the same as if set forth herein.

25. There is a likelihood of confusion between the MHP Marks and the Opposer's Goods and Services, and the MAX-HP Mark and the goods and services Applicant intends to offer under the MAX-HP Mark.

26. In particular, Applicant abbreviated and combined portions of the MHP Marks, namely MAXIMUM HUMAN PERFORMANCE, into the MAX-HP Mark. Therefore, the MAX-HP Mark is confusingly similar to the MHP Marks.

27. Further, Applicant intends to use the MAX-HP Mark in connection with goods and services that are identical and substantially related to the Opposer's Goods and Services offered in connection with the MHP Marks, targeted to the same class of consumers as Opposer's Goods and Services, move within the same channels of trade as Opposer's Goods and Services, and/or are likely to be associated by consumers with Opposer.

28. As a result, any minor difference between the marks does not avoid a likelihood of confusion.

29. Given the filing date of the Application, Applicant was clearly exposed to and aware of the Opposer and the MHP Marks before filing the Application. Applicant's selection of a mark that is confusingly similar to the MHP Marks was no coincidence, and was intended to trade off of the substantial reputation and goodwill of the MHP Marks, especially because Applicant could have selected a number of alternative marks to use for "maximum hyperaemia."

30. As a result of the similarity between the MAX-HP Mark and the MHP Marks and the respective goods and services, registration of the MAX-HP Mark would be likely to cause confusion, mistake, and/or deception of purchasers as to the source of the parties' respective goods and services, and, therefore, registration of the MAX-HP Mark should be refused.

31. As a result of the similarity between the MAX-HP Mark and the MHP Marks, registration of the MAX-HP Mark would be likely to cause confusion, mistake, and/or deception as to (a) the affiliation, connection, or association between Opposer and Applicant, and/or (b) the origin, sponsorship, or approval of the Applicant's goods and services by Opposer, and, therefore, registration of the MAX-HP Mark should be refused.

32. By reason of the foregoing, Opposer is likely to be harmed by registration of Application Serial No. 86387936 for MAX-HP.

WHEREFORE, Opposer Maximum Human Performance, LLC respectfully requests that the Trademark Trial and Appeal Board sustain this opposition and refuse registration for United States Trademark Application Serial No. 86387936.

Respectfully submitted,

Maximum Human Performance, LLC

Dated: March 30, 2015

By: /Thomas J. Mango/
Thomas J. Mango, Esq.
Cantor Colburn LLP
20 Church Street, 22nd Floor
Hartford, CT 06103-3207
Phone: 860-286-2929
Fax: 860-286-0115
tmango@cantorcolburn.com

Attorneys for Maximum Human Performance, LLC

CERTIFICATE OF SERVICE

I, Thomas J. Mango, Esq., counsel to Maximum Human Performance, LLC in the above-captioned proceeding, hereby certify that, on the 30th of March 2015, I served a copy of the foregoing Notice of Opposition, by first class mail, postage prepaid, upon the following individual, identified in the Application as the attorney of record and correspondent:

Gene Bolmarcich, Esq.
Law Offices of Gene Bolmarcich
215 Sterling Drive
Newington, CT 06111-2261

/Thomas J. Mango/
Thomas J. Mango, Esq.

EXHIBIT A

Generated on: This page was generated by TSDR on 2015-03-27 11:18:20 EDT

Mark: MAXIMUM HUMAN PERFORMANCE

US Serial Number: 75435070

Application Filing Date: Feb. 17, 1998

US Registration Number: 2236722

Registration Date: Apr. 06, 1999

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Mar. 31, 2009

Publication Date: Jan. 12, 1999

Mark Information

Mark Literal Elements: MAXIMUM HUMAN PERFORMANCE

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: NUTRITIONAL SUPPLEMENTS

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 01, 1997

Use in Commerce: Sep. 01, 1997

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: MAXIMUM HUMAN PERFORMANCE, LLC

Owner Address: 21 DWIGHT PLACE
FAIRFIELD, NEW JERSEY 07004
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

**State or Country Where
Organized:** DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: George A. Pelletier, Jr.

Docket Number: MHP0013TUS

Attorney Primary Email TM-CT@cantorcolburn.com

Attorney Email Yes

Address: _____

Authorized:

Correspondent

Correspondent Name/Address: George A. Pelletier, Jr.
Cantor Colburn LLP
20 Church Street
22nd Floor
Hartford, CONNECTICUT 06103
UNITED STATES

Phone: 860-286-2929

Fax: 860-286-0115

Correspondent e-mail: TM-CT@cantorcolburn.com

Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
May 09, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
May 09, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 18, 2011	CASE FILE IN TICRS	
Apr. 29, 2011	CASE FILE IN TICRS	
Jan. 12, 2011	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 31, 2009	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	75184
Mar. 31, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Mar. 19, 2009	ASSIGNED TO PARALEGAL	75184
Mar. 17, 2009	TEAS SECTION 8 & 9 RECEIVED	
Apr. 17, 2008	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 17, 2008	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 17, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 21, 2004	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Sep. 13, 2004	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Sep. 13, 2004	PAPER RECEIVED	
Sep. 04, 2002	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 06, 1999	REGISTERED-PRINCIPAL REGISTER	
Jan. 12, 1999	PUBLISHED FOR OPPOSITION	
Dec. 11, 1998	NOTICE OF PUBLICATION	
Oct. 26, 1998	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 26, 1998	ASSIGNED TO EXAMINER	72519

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Apr. 06, 2009

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: May 18, 2011

Assignment Abstract Of Title Information**Summary**

Total Assignments: 1

Registrant: MAXIMUM HUMAN PERFORMANCE, INC.

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4444/0108](#)

Pages: 13

Date Recorded: Jan. 03, 2011

Supporting Documents: [assignment-tm-4444-0108.pdf](#)

Assignor

Name: [MAXIMUM HUMAN PERFORMANCE, INC.](#) Execution Date: Dec. 22, 2010
Legal Entity Type: CORPORATION State or Country Where Organized: NEW JERSEY

Assignee

Name: [MAXIMUM HUMAN PERFORMANCE, LLC](#)
Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: DELAWARE
Address: 21 DWIGHT PLACE
FAIRFIELD, NEW JERSEY 07004

Correspondent

Correspondent Name: ROBIN E. SILVERMAN
Correspondent Address: 437 MADISON AVENUE
GOLENBOCK EISEMAN ASSOR BELL & PESKOE
NEW YORK, NY 10022

Domestic Representative - Not Found

EXHIBIT B

Generated on: This page was generated by TSDR on 2015-03-27 11:19:00 EDT

Mark: MHP



US Serial Number: 75435069
US Registration Number: 2230661
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Mar. 31, 2009
Publication Date: Dec. 15, 1998
Application Filing Date: Feb. 17, 1998
Registration Date: Mar. 09, 1999

Mark Information

Mark Literal Elements: MHP
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Color(s) Claimed: Color is not claimed as a feature of the mark.
Design Search Code(s): 01.01.06 - Stars with rays or radiating lines

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: NUTRITIONAL SUPPLEMENTS

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 01, 1997

Use in Commerce: Sep. 01, 1997

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: MAXIMUM HUMAN PERFORMANCE, LLC
Owner Address: 21 DWIGHT PLACE
FAIRFIELD, NEW JERSEY 07004
UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: George A. Pelletier, Jr.
Attorney Primary Email: TM-CT@cantorcolburn.com
Address:
Docket Number: MHP0014TUS
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: George A. Pelletier, Jr.
Cantor Colburn LLP
20 Church Street
22nd Floor
Hartford, CONNECTICUT 06103
UNITED STATES

Phone: 860-286-2929

Fax: 860-286-0115

Correspondent e-mail: TM-CT@cantorcolburn.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 09, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
May 09, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 12, 2011	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 31, 2009	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	75184
Mar. 31, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Mar. 19, 2009	ASSIGNED TO PARALEGAL	75184
Mar. 17, 2009	TEAS SECTION 8 & 9 RECEIVED	
Apr. 17, 2008	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 17, 2008	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 17, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 24, 2007	CASE FILE IN TICRS	
Dec. 20, 2004	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Sep. 22, 2004	RESPONSE RECEIVED TO POST REG. ACTION - SEC. 8 & 15	
Sep. 22, 2004	PAPER RECEIVED	
Sep. 03, 2004	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	
Jul. 28, 2004	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Sep. 04, 2002	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 09, 1999	REGISTERED-PRINCIPAL REGISTER	
Dec. 15, 1998	PUBLISHED FOR OPPOSITION	
Nov. 13, 1998	NOTICE OF PUBLICATION	
Sep. 30, 1998	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 26, 1998	ASSIGNED TO EXAMINER	72519

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Mar. 09, 2009

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Mar. 31, 2009

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: MAXIMUM HUMAN PERFORMANCE, INC.

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4444/0108](#)

Pages: 13

Date Recorded: Jan. 03, 2011

Supporting Documents: [assignment-tm-4444-0108.pdf](#)

Assignor

Name: [MAXIMUM HUMAN PERFORMANCE, INC.](#) **Execution Date:** Dec. 22, 2010
Legal Entity Type: CORPORATION **State or Country Where Organized:** NEW JERSEY

Assignee

Name: [MAXIMUM HUMAN PERFORMANCE, LLC](#) **State or Country Where Organized:** DELAWARE
Legal Entity Type: LIMITED LIABILITY COMPANY
Address: 21 DWIGHT PLACE
FAIRFIELD, NEW JERSEY 07004

Correspondent

Correspondent Name: ROBIN E. SILVERMAN
Correspondent Address: 437 MADISON AVENUE
GOLENBOCK EISEMAN ASSOR BELL & PESKOE
NEW YORK, NY 10022

Domestic Representative - Not Found

EXHIBIT C

Generated on: This page was generated by TSDR on 2015-03-27 11:19:25 EDT

Mark: MHP

MHP

US Serial Number: 77196984	Application Filing Date: Jun. 04, 2007
US Registration Number: 3463667	Registration Date: Jul. 08, 2008
Filed as TEAS Plus: Yes	Currently TEAS Plus: Yes
Register: Principal	
Mark Type: Trademark	
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.	
Status Date: Jul. 08, 2014	
Publication Date: Nov. 20, 2007	Notice of Allowance Date: Feb. 12, 2008

Mark Information

Mark Literal Elements: MHP
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Dietary supplements
International Class(es): 005 - Primary Class
U.S Class(es): 006, 018, 044, 046, 051, 052
Class Status: ACTIVE
Basis: 1(a)
First Use: Sep. 01, 1997
Use in Commerce: Sep. 01, 1997

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: MAXIMUM HUMAN PERFORMANCE, LLC
Owner Address: 165 Clinton Road
West Caldwell, NEW JERSEY 07006
UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: George A. Pelletier, Jr.	Docket Number: MHP0061TUS
Attorney Primary Email Address: TM-CT@cantorcolburn.com	Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: George A. Pelletier, Jr.
Cantor Colburn LLP

20 Church Street
Floor 22
Hartford, CONNECTICUT 06103
UNITED STATES

Phone: 860-286-2929

Fax: 860-286-0115

Correspondent e-mail: TM-CT@cantorcolburn.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 08, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jul. 08, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67723
Jul. 07, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67723
Jun. 18, 2014	TEAS SECTION 8 & 15 RECEIVED	
Mar. 30, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 30, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 12, 2011	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 08, 2008	REGISTERED-PRINCIPAL REGISTER	
Jun. 03, 2008	LAW OFFICE REGISTRATION REVIEW COMPLETED	73787
Jun. 02, 2008	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
May 29, 2008	STATEMENT OF USE PROCESSING COMPLETE	71034
May 19, 2008	USE AMENDMENT FILED	71034
May 19, 2008	PAPER RECEIVED	
Apr. 17, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 12, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 20, 2007	PUBLISHED FOR OPPOSITION	
Oct. 31, 2007	NOTICE OF PUBLICATION	
Oct. 13, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	73787
Oct. 13, 2007	ASSIGNED TO LIE	73787
Sep. 12, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 12, 2007	ASSIGNED TO EXAMINER	61700
Jun. 08, 2007	NOTICE OF PSEUDO MARK MAILED	
Jun. 07, 2007	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 114

Date in Location: Jul. 08, 2014

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: MAXIMUM HUMAN PERFORMANCE, INC.

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4444/0108](#)

Pages: 13

Date Recorded: Jan. 03, 2011

Supporting Documents: [assignment-tm-4444-0108.pdf](#)

Assignor

Name: [MAXIMUM HUMAN PERFORMANCE, INC.](#) **Execution Date:** Dec. 22, 2010
Legal Entity Type: CORPORATION **State or Country Where Organized:** NEW JERSEY

Assignee

Name: [MAXIMUM HUMAN PERFORMANCE, LLC](#)
Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** DELAWARE
Address: 21 DWIGHT PLACE
FAIRFIELD, NEW JERSEY 07004

Correspondent

Correspondent Name: ROBIN E. SILVERMAN
Correspondent Address: 437 MADISON AVENUE
GOLENBOCK EISEMAN ASSOR BELL & PESKOE
NEW YORK, NY 10022

Domestic Representative - Not Found

EXHIBIT D

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Mark: MAX 30

MAX 30

US Serial Number: 85394506	Application Filing Date: Aug. 10, 2011
US Registration Number: 4361867	Registration Date: Jul. 02, 2013
Filed as TEAS Plus: Yes	Currently TEAS Plus: No
Register: Principal	
Mark Type: Trademark	
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.	
Status Date: Jul. 02, 2013	
Publication Date: Mar. 06, 2012	Notice of Allowance Date: May 01, 2012

Mark Information

Mark Literal Elements: MAX 30

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "30"

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Pre-recorded CDs, video tapes, laser disks and DVDs featuring exercise, fitness, dietary information and instruction, and exercise instruction

International Class(es): 009 - Primary Class	U.S Class(es): 021, 023, 026, 036, 038
Class Status: ACTIVE	
Basis: 1(a)	
First Use: Mar. 01, 2012	Use in Commerce: Jun. 15, 2012

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Maximum Human Performance, LLC	
Owner Address: 21 Dwight Place Fairfield, NEW JERSEY 07004 UNITED STATES	
Legal Entity Type: LIMITED LIABILITY COMPANY	State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: George A. Pelletier, Jr.	Docket Number: MHP0105TUS
Attorney Primary Email Address: TM-CT@cantorcolburn.com	Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: George A. Pelletier, Jr.
Cantor Colburn LLP
20 Church Street
22nd Floor
Hartford, CONNECTICUT 06103
UNITED STATES

Phone: 860-286-2929

Fax: 860-286-0115

Correspondent e-mail: TM-CT@cantorcolburn.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Jul. 02, 2013	REGISTERED-PRINCIPAL REGISTER	
May 31, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
May 30, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	70138
May 23, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
May 23, 2013	STATEMENT OF USE PROCESSING COMPLETE	61813
Apr. 30, 2013	USE AMENDMENT FILED	61813
Apr. 30, 2013	TEAS STATEMENT OF USE RECEIVED	
Oct. 31, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 30, 2012	EXTENSION 1 GRANTED	61813
Oct. 25, 2012	EXTENSION 1 FILED	61813
Oct. 29, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
Oct. 25, 2012	TEAS EXTENSION RECEIVED	
May 01, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 22, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 22, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 06, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 06, 2012	PUBLISHED FOR OPPOSITION	
Feb. 15, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 27, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Jan. 26, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 19, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	70138
Jan. 19, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	70138
Dec. 30, 2011	ASSIGNED TO LIE	70138
Dec. 21, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 23, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Nov. 23, 2011	NON-FINAL ACTION E-MAILED	6325
Nov. 23, 2011	NON-FINAL ACTION WRITTEN	81095
Nov. 23, 2011	REMOVED FROM TEAS PLUS	81095
Nov. 21, 2011	ASSIGNED TO EXAMINER	81095
Aug. 15, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 13, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information**TM Staff Information - None****File Location**

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 30, 2013

EXHIBIT E

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Competitive Intelligence

Site Overview

This site's metrics are estimated

Is this your site? [Certify your site's metrics.](#)

mhpstrong.com

Site Overview

[Site Comparison](#)[Keyword Ranking](#)[Competitive Intelligence](#)

How popular is mhpstrong.com?

Alexa Traffic Ranks

How is this site ranked relative to other sites?



Global Rank

445,624

238,646

Rank in United States

142,019

How engaged are visitors to mhpstrong.com?

Bounce Rate

48.70%

9.00%

Daily Pageviews per Visitor

2.90

40.00%

Daily Time on Site

10:33

358.00%

Who visits mhpstrong.com?

Audience Demographics

How similar is this site's audience to the general Internet population?

Gender

Male
Female

Internet Average



Education

No College
Some College
Graduate School
College

Internet Average



Browsing Location

Home
School
Work

Internet Average

[Upgrade to View](#)

Audience Geography

Where are this site's visitors located?

Visitors by Country



Country	Percent of Visitors	Rank in Country
United States	35.3%	142,019

Where do mhpstrong.com's visitors come from?

?

Search Traffic

What percentage of visits to this site come from a search engine?



23.70% ▼ 30.00%

Top Keywords from Search Engines

Which search keywords send traffic to this site?

Keyword	Percent of Search Traffic
1. mhp	51.04%
2. maryana naumova	12.71%
3. mhp logo	3.37%
4. up your mass	2.53%
5. jeff seid	2.43%

Upgrade to View

Upstream Sites

Which sites did people visit immediately before this site?

Site	Percent of Unique Visits
1. google.com	35.4%
2. facebook.com	4.8%

Where do mhpstrong.com's visitors go next?

?

Upgrade to View

What sites link to mhpstrong.com?

?

Total Sites Linking In

207

Site	Page
1. yahoo.com	finance.yahoo.com/news/chairman-dr-rob...
2. reddit.com	reddit.com/r/ArtisanVideos/comments/2q...
3. wikipedia.org	en.wikipedia.org/wiki/Maryana_Naumova
4. msn.com	msn.com/en-ca/health/nutrition/the-fit...
5. secureserver.net	ip-173-201-142-193.ip.secureserver.net...

Upgrade to View

What sites are related to mhpstrong.com?

?

Related Links

No related links available

Categories with Related Sites

This site is not categorized

Where do visitors go on mhpstrong.com?

?

Subdomain	Percent of Visitors
mhpstrong.com	100.00%

Where can I find more info about mhpstrong.com?



Mhpstrong.com

Site Description

A description has not been provided for this site.

Contact

Contact information is not available.

How did mhpstrong.com look in the past?

Edit Site Info



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amazon.com
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Founded in 1996, Alexa has a rich history of providing deep analytical insights to benchmark, compare and optimize businesses on the web.

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NOTES

Chocolate Peanut Butter Protein Cookies Recipe
August 24, 2011

Chocolate Protein Brownie Recipe
August 22, 2011

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MHP CrossFit athlete, Sean Thomson, moved into 15th place in the Mid-Atlantic Region of the The CrossFit Games after workout 15.4. With only 15.5 to go, Sean is poised to qualify for the CrossFit Regional Games!



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Arnold Strongman Winner training for the World's Strongest Man Competition. Brian Shaw

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After 4 events, CROSSFIT DYNAMIX is in 14th place in the North East Region! With 1 event left, Team Dynamix needs to hold their spot in order to qualify for the Super Regional Games. #CrossFit

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MHP - Modern Home Products Outdoor Gas Grills

www.mhpgrills.com/

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MHP - Wikipedia, the free encyclopedia

en.wikipedia.org/wiki/MHP

Wikipedia

From Wikipedia, the free encyclopedia. Jump to: navigation, search. MHP may refer to: Mieschke Hofmann und Partner, a process and IT consultancy owned by ...

Multimedia Home Platform - Wikipedia, the free encyclopedia

en.wikipedia.org/wiki/Multimedia_Home_Platform

Wikipedia

Multimedia Home Platform (DVB-MHP) is an open middleware system standard designed by the DVB project for interactive digital television. The MHP enables ...

Nationalist Movement Party - Wikipedia, the free encyclopedia

en.wikipedia.org/wiki/Nationalist_Movement_Party

Wikipedia

The MHP embraced Turkish nationalism, and under the leadership of Türkeş, militias MHP lideri Türkeş, Ülkü Ocaklarını meşru müdafaa yaptığını söyler.

Melissa Harris-Perry on msnbc - MSNBC.com

www.msnbc.com/melissa-harris-perry

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